

APPLICATION AND INITIAL RECOMMENDATIONS

SPECIAL APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

FOR MIAMI-DADE COUNTY, FLORIDA



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APPLICATION
AND
INITIAL RECOMMENDATIONS

SPECIAL APPLICATION TO AMEND THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

July 3, 2007

Miami-Dade County Department of Planning and Zoning
1110 Stephen P. Clark Center
111 NW 1 Street
Miami, Florida 33128-1972
(305) 375-2835

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INTRODUCTION

This report presents the Department of Planning and Zoning's initial recommendations addressing an application to amend the Comprehensive Development Master Plan (CDMP), which was filed as a special application as directed by the Miami-Dade County Board of County Commissioners through Resolution R-613-07, adopted on May 22, 2007. This text application was filed by the Department of Planning and Zoning (Department) to implement changes to Florida's 2005 Growth Management laws addressing Public School Facilities. The report also contains necessary background information and analyses on which the recommendations are based.

Chapter 1 of the report contains a copy of the application to amend the CDMP as filed by the Department. Chapter 2 of the report contains the initial recommendations of the Department addressing the requested amendments, along with the principal reasons for the recommendations. Chapter 3 of the report contains the listing of CDMP policies and provisions utilized in the required review of each application's consistency with CDMP and State Comprehensive Plan policies. The data and analysis necessary to support the proposed level of service standard is attached in a separate volume and labeled Support Data and Analysis.

Application Review Process and Schedule of Activities

Section 2-116.1 of the Miami-Dade County Code establishes the exclusive procedures for the CDMP to be reevaluated and amended periodically, usually semiannually. During odd-numbered years applications to amend the CDMP are filed during the months of April and October. In even-number years, there is an April filing period and an optional October filing period for these amendments. Section 2-116.1(2) of the Code of Miami-Dade County, Florida, provides exceptions from the above codified filing periods, one of which is pursuant to a State statutory requirement. On May 22, 2007, the Miami-Dade County Board of County Commissioners (BCC) adopted Resolution R-613-07, which directed the County Manager to file an application to amend the CDMP to comply with the 2005 Growth Management Act on a special schedule as allowed by State Statutes. Exhibit A, Special CDMP Amendment Application Schedule, of the Ordinance states that the Board of County Commissioners Hearing and Action on Transmittal of Special Amendment Application to DCA will occur in July 2007.

Following is a summary of the amendment activities and schedule that will be followed for this Special Amendment to comply with requirements of Section 2-116.1, Code of Miami-Dade County, and with State law. Table 1 on page iii lists the principal activities, which will occur under this process, and presents the time frames for those activities in accord with the State requirements and County Code.

The CDMP amendment process for this text amendment will take approximately six months to complete. The Department will submit its initial recommendations for this application to the Planning Advisory Board (PAB) by July 5, 2007. The PAB, acting as the Local Planning Agency, is scheduled to hold a public hearing on July 9, 2007. The purposes of this PAB hearing will be to receive comments and recommendations on the proposed amendment, and to formulate its recommendations to the BCC regarding transmittal to Department of Community

Affair (DCA). The BCC is scheduled to hold a public hearing on July 12, 2007 to consider transmittal of the requested amendment to DCA. Transmittal does not constitute adoption of requested amendments.

A second phase of the review of the proposed text amendments begins after transmittal of the applications to the DCA and associated state agencies. The CDMP amendment procedures in Section 2-116.1 of the County Code provide for the County to request review and comment on all transmitted amendment proposals by DCA. This is done to provide certainty about the timing of the State's reply, as the State procedure could otherwise make it very difficult to schedule necessary final reports and hearings. The time frame indicated in Table 1 reflects this County procedure. Accordingly, the DCA is expected to return comments addressing all transmitted amendment proposals during September 2007. The PAB is scheduled to conduct its final public hearing during October or November 2007 and the BCC is scheduled to conduct a public hearing and take final action during November or December 2007. During the DCA review period, the Department will also review comments received at the transmittal hearings and any additional submitted material and may issue a Revised Recommendations report reflecting any new information prior to the final public hearings. Final action by the BCC will be to adopt, adopt with change, or not adopt each of the transmitted applications.

Additional Information

Anyone having questions regarding any aspect of the Comprehensive Plan review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Planning and Zoning at 111 NW 1st Street, Suite 1220; Miami, Florida 33128-1972; telephone (305) 375-2835.

Table 1
Schedule of Activities
Special Application

Application and Initial Recommendations Report Released by DP&Z	July 3, 2007
Planning Advisory Board, acting as Local Planning Agency, Hearing to Formulate Recommendations Regarding Transmittal of Standard Amendment Requests to DCA	5:30 P.M., July 9, 2007 County Commission Chamber 111 NW 1st Street
Board of County Commissioners Hearing and Action on Transmittal of Standard Amendment Requests to DCA	9:30 A.M., July 12, 2007 County Commission Chamber 111 NW 1 Street
Transmittal to DCA for Comment	Thursday, July 26, 2007
Deadline for Filing Supplementary Reports by the Public	Forty-five (45) days after Commission transmittal hearing
Receipt of DCA Objections, Recommendations and Comments	September 10, 2007* (Approximately 60 days after DCA finds the transmittal package complete.)
Public Hearing and Final Recommendations: Planning Advisory Board (Local Planning Agency)	October or November 2007** County Commission Chamber 111 NW 1st Street
Public Hearing and Final Action on Applications: Board of County Commissioners	November or December, 2007** County Commission Chamber 111 NW 1 Street

* Estimated date. Date is currently scheduled but subject to change. All hearings will be noticed by newspaper advertisement.

** Date has not been determined.

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CHAPTER 1
SPECIAL APPLICATION
AMENDMENTS TO THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN
REGARDING PUBLIC SCHOOLS FACILITIES

1. APPLICANT

Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1210
Miami, Florida 33128-1972
(305) 375-2835

2. APPLICANT'S REPRESENTATIVE

Subrata Basu, AIA, AICP, Interim Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1210
Miami, Florida 33128-1972

By: 
Subrata Basu

7/2/07
Date

3. DESCRIPTION OF REQUESTED CHANGES

The following changes are requested to the Comprehensive Development Master Plan (CDMP):

Part A - Educational Element

Part B - Intergovernmental Coordination Element (ICE),

Part C - Capital Improvement Element (CIE), and,

Part D - Preface.

PART A -- Revise the Educational Element Objectives, Policies and text, including the Monitoring Measures as follows:

EDUCATIONAL ELEMENT

GOAL

DEVELOP, OPERATE, AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION BY MIAMI-DADE COUNTY PUBLIC SCHOOLS, IN COOPERATION WITH THE COUNTY AND OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF MIAMI-DADE COUNTY, FLORIDA.

Objective EDU-1

Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools System, while striving to attain an optimum level of service pursuant to Objective EDU-2. ~~Strive to provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools does not exceed 115% of current Florida Inventory of School Houses (FISH) capacity (both permanent and relocatables). Additionally, by 2010 Miami-Dade County Public Schools shall will~~ meet state requirements for class size by September 1, 2010. ~~This numeric objective is adopted solely as a guideline for school facility planning and shall not be used as a Level of Service Standard or as a basis for denial of development orders.~~

Policies

- EDU-1A. Cooperate with the Miami-Dade County Public Schools System in their efforts to continue to provide new student stations through the Capital Outlay program, in so far as funding is available.
- EDU-1B. Collect impact fees from new development for transfer to the Miami-Dade County Public Schools System to offset the impacts of these additional students on the capital facilities of the school system.
- EDU-1C. Cooperate with the Miami-Dade County Public Schools System in their efforts to develop and implement alternative educational facilities, such as primary learning centers, which can be constructed on small parcels of land and relieve overcrowding at elementary schools, in so far as funding and rules permit.
- EDU-1D. Cooperate with the Miami-Dade County Public Schools System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate at an optimum capacity, in so far as funding available. Operational alternatives may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

- EDU-1E. Cooperate with the Miami-Dade County Public Schools ~~System~~ in their efforts to maintain and/or improve the established level of service (LOS), for Public Educational Facilities, as established for the purposes of school concurrency ~~collecting Impact Fees, in so far as funding available.~~
- EDU-1F. The Miami-Dade County School Board (School Board) comments shall be sought and considered on comprehensive plan amendments and other land use and zoning decisions which could impact the school district, ~~when the proposed (re) development would result in an increase of FISH capacity (permanent and relocatables) in excess of 115%,~~ in order to be consistent with the terms of the state mandated Interlocal Agreement pursuant to Sections 1013.33 and 163.31777, Florida Statutes.
- EDU-1G. Capital improvement programming by the Miami-Dade Public Schools ~~System~~ should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize student population projections based on information produced by the demographic, revenue, and education estimating conferences pursuant to Section 216.136, Florida Statutes, where available, as modified by the School Board based on development data and agreement with the local governments, the State Office of Educational Facilities and the State SMART Schools Clearinghouse. The School Board may request adjustment to the estimating conferences' projections to reflect actual enrollment and development trends. In formulating such a request, the School Board will coordinate with the Cities and County regarding development trends and future population projections.
- EDU-1H. It is the policy of Miami-Dade County that the Miami-Dade Public Schools ~~System~~ should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective EDU-1), followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

Objective EDU-2

The County shall coordinate new residential development with the future availability of public school facilities¹ consistent with the adopted level of service standards for public school concurrency.

¹ Level of Service standards for public school facilities apply to those traditional educational facilities, owned and operated by the Miami-Dade County Public Schools, that are required to serve the residential development within their established Concurrency Service Area. Level of Service standards do not apply to magnet schools, charter schools and other educational facilities that may have districtwide attendance boundaries; however, their capacity is credited against the impact of development. It is provided, however, that no credit against the impact of development shall be given for such districtwide educational facilities if their enrollment is at, or above, 100% FISH capacity (with Relocatable Classrooms).

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

Policies

EDU-2A Beginning January 1, 2008, the adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

All public school facilities should continue to maintain or decrease their percent utilization of FISH capacity (With Relocatable Classrooms). Public school facilities that achieve 100% utilization of Permanent FISH capacity (No Relocatable Classrooms) should no longer utilize relocatable classrooms except as an operational solution².

EDU-2B It is the goal of Miami-Dade County Public Schools and Miami-Dade County for all public school facilities to achieve 100% utilization of Permanent FISH (No Relocatable Classrooms) capacity by January 1, 2018. To this end, beginning January 1, 2013 the Miami-Dade County Public Schools should not use relocatable classrooms to provide additional FISH capacity at any school except as an operational solution². Additionally, beginning January 1, 2013 the Miami-Dade County Public Schools will implement a schedule to eliminate all remaining relocatable classrooms by January 1, 2018.

By December 2010, Miami-Dade County in cooperation with Miami-Dade County Public Schools will assess the viability of modifying the adopted LOS standard to 100% utilization of Permanent FISH for all CSAs.

EDU-2C In the event the adopted LOS standard of a CSA cannot be met as a result of a proposed development's impact, the development may proceed provided at least one of the following conditions is met:

- a) The development's impact can be shifted to one or more contiguous CSAs that have available capacity and is located, either in whole or in part, within the same Educational Impact Fee Benefit District as the proposed development; or
- b) The development's impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, as defined in Section 163.3180 (13)(e)1, Florida Statutes.

² Relocatable classrooms may be used by the Miami-Dade County Public Schools as an operational solution to achieve the level of service standard during replacement, remodeling, renovation or expansion of a public school facility.

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- c) The development's impacts are phased to occur when sufficient capacity will be available.

If none of the above conditions is met, the development shall not be approved.

Objective EDU-23

Obtain suitable sites for the development and expansion of public education facilities.

Policies

- EDU-23A It is the policy of Miami-Dade County that the Miami-Dade County Public Schools ~~System~~ shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.
- EDU-23B. In the selection of sites for future educational facility development, the County encourages the ~~district~~ Miami-Dade County Public Schools System to consider whether a school is in close proximity to residential areas and is in ~~that~~ a location that would provide a logical focal point for community activities.
- EDU-23C. Where possible, the Miami-Dade County Public Schools District ~~District~~ should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.
- EDU-23D. The County acknowledges and concurs that, when selecting a site, the Miami-Dade County Public Schools district ~~district~~ will consider if the site meets the minimum size criteria as recommended by the State Department of Education or as determined to be necessary for an effective educational environment.
- EDU-23E. When considering a site for possible use as an educational facility, the Miami-Dade County Public Schools district ~~district~~ should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, transportation, fire flow and portable water, sanitary sewers, drainage,

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solid waste, police and fire services, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

- EDU-23F. When considering a site for possible use as an educational facility the Miami Dade County Public Schools ~~district~~ should consider whether the present and projected surrounding land uses are compatible with the operation of an educational facility.
- EDU-23G. Miami-Dade County shall encourage and cooperate with the Miami-Dade County Public Schools System in their effort to ~~update the "Process/Procedures Manual"~~ for public school siting reviews to help accomplish the objectives and policies of this element and other elements of the CDMP. The County shall cooperate with the Public Schools System to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.
- EDU-23H. Miami-Dade County ~~should~~ will continue to cooperate with Miami-Dade County Public Schools in utilizing Miami-Dade County Public Schools as emergency shelters during county emergencies.

Objective EDU-34

Miami-Dade County Public Schools, in conjunction with the County and other appropriate agencies, will strive to improve security and safety for students and staff.

Policies

- EDU-34A. Continue to cooperate with the Miami-Dade County Public Schools System to develop and/or implement programs and policies designed to reduce the incidence of violence, weapons and vandalism on school campuses. Encourage the design of facilities, which do not encourage criminal behavior and provide clear sight lines from the street.
- EDU-34B. Continue to cooperate with the Miami-Dade County Public Schools System to develop and/or implement programs and policies designed to reduce the number of incidents related to hazardous conditions as reported by the Environmental Protection Agency (EPA), the fire marshal, the State Department of Education (DOE), and other appropriate sources.
- EDU-34C. Continue to cooperate with the Miami-Dade County Public Schools System to provide for the availability of alternative programs for at-risk students at appropriate public educational facilities.
- EDU-34D. Coordinate with the Miami-Dade County Public Schools System and municipalities to provide for pedestrian and traffic safety in the area of schools, and signalization for educational facilities.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

- EDU-~~34~~4E. Coordinate with the ~~MDCPS~~ Miami-Dade County Public Schools' Division of School Police and other law enforcement agencies, where appropriate, to improve and provide for a secure learning environment in the public schools and their vicinity.

Objective EDU-~~45~~

Continue to develop programs and opportunities to bring the schools and community closer together.

Policies

- EDU-~~45~~4A. Cooperate with the Miami-Dade County Public Schools ~~System~~ in their efforts to provide "full service" schools, parent resource centers, adult and community schools and programs as appropriate.
- EDU-~~45~~4B. Cooperate with the Miami-Dade County Public Schools ~~System~~ in their efforts to continue to provide opportunities for community and business leaders to serve on committees and task forces, which relate to the development of improved provision of public educational facilities.
- EDU-~~45~~4C. Cooperate with the Miami-Dade County Public Schools ~~System~~ to continue to work with the development industry to encourage partnerships in the provision of sites and educational facilities including ~~primary learning~~ early childhood centers.
- EDU-~~45~~4D. Cooperate with the Miami-Dade County Public Schools ~~System~~ through agreement with appropriate agencies to increase medical, psychological, and social services for children and their families as appropriate.

Objective EDU-~~56~~

Miami-Dade County Public Schools will continue to enhance effectiveness of the learning environment.

Policies

- EDU-~~56~~5A. Miami-Dade County Public Schools ~~System~~ is encouraged to continue the design and construction of educational facilities which create the perception of feeling welcome, secure and positive about the students' school environment and experiences.
- EDU-~~56~~5B. The Miami-Dade County Public Schools ~~System~~ is encouraged to continue to design and construct facilities which better provide student access to technology

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designed to improve learning, such as updated media centers and science laboratories.

- EDU-~~56~~C. The Miami-Dade County Public Schools ~~System~~ is encourage to continue to improve existing educational facilities, in so far as funding is available, through renovation and expansion to better accommodate increasing enrollment, new educational programs and other activities, both curricular and extra-curricular.

Objective EDU-~~67~~

The School Board, the County, and other appropriate jurisdictions shall establishment and implementation of mechanism(s) for on-going coordination and communication between School Board, the County, and other appropriate jurisdiction, to ensure the adequate provision of public educational facilities.

Policies

- EDU-~~67~~A. The County shall coordinate and cooperate with the Miami-Dade County Public Schools, the State, municipalities and other appropriate agencies to develop or modify rules and regulations in order to simplify and expedite proposed new educational facility developments and renovations.
- EDU-~~67~~B. The location of future educational facilities should occur where capacity of other public facilities and services is available to accommodate the infrastructure needs of the educational facility.
- EDU-~~67~~C. The Miami-Dade County Public Schools ~~System~~ should coordinate school capital improvement plans with the planned capital improvement projects of other County and municipal agencies.
- EDU-~~67~~D. The County shall cooperate with the Miami-Dade County Public Schools ~~System~~ in their efforts to ensure that they are not obligated to pay for off-site infrastructure in excess of their fair share of the costs.
- EDU-~~67~~E. The County and Miami-Dade Public Schools ~~System~~ shall periodically review the Educational Facilities Impact Fee Ordinance to strive to ensure that the full eligible capital costs associated with the development of public school capacity (new schools and expansion of existing ones) are identified when updating the impact fee structure. Pursuant to the terms of the state mandated Interlocal Agreement, the County and School Board shall annually review the Ordinance, its formula, the Educational Facilities Impact Fee methodology and technical report, in order to make recommendations for revisions to the Board of County Commissioners.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

- EDU-7F. Miami-Dade County and the Miami-Dade County Public Schools will annually review the Educational Element and the County will make amendments, if necessary.
- EDU-~~6F~~7G. The County shall seek to coordinate with the Miami-Dade County Public Schools ~~System~~ in formalizing criteria for appropriate sharing of responsibility for required off-site facility improvements attributable to construction of new public schools or expansion of existing ones. The criteria should be prepared prior to the next full review of the School Impact Fee Ordinance.
- EDU-~~6G~~7H. The County shall coordinate with the Miami-Dade County Public Schools ~~System~~ and local governments to eliminate infrastructure deficiencies surrounding existing school sites.
- EDU-~~6H~~7I. The County and the Miami-Dade County Public Schools ~~System~~ shall coordinate efforts to ensure the availability of adequate sites for the required educational facilities.
- EDU-~~6I~~7J. The County and the Miami-Dade County Public Schools ~~System~~ shall coordinate the appropriate roles and responsibilities of affected governmental jurisdictions in ensuring the timely, orderly and efficient provision of adequate educational facilities.
- EDU-~~6J~~7K. Miami-Dade County will account for the infrastructure needs of new, planned or expanded educational facilities when formulating and implementing its own capital improvement plans.

MONITORING AND EVALUATION PROGRAM

In order to enable the preparation of the periodic Evaluation and Appraisal Report (EAR) as required by Section 163.3191, Florida Statutes (F.S.), and Rule 9J-5.0053, F.A.C., this section will outline the procedures for the monitoring and evaluating of the Element and its implementation.

Monitoring Requirements

The primary mechanism to monitor progress in achieving the objectives and policies in this Element is the collection and update of appropriate baseline data. Further, as required by the State Requirements for Educational Facilities, at least once every five (5) years the School Board shall arrange for an educational plant survey to be conducted. This plant survey will include data regarding existing facilities and a five (5) year projection of student population. The written report from this survey shall include the following:

Inventory	An inventory of existing ancillary and educational plants and auxiliary facilities.
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Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

Student Population	An analysis of past and projected student population.
Capital Outlay	An analysis of expenditures and projected capital outlay funds.
Facilities	Statements of proposed types of facilities, grade structure, and list student capacity.
Funding	A proposed funding plan.

The information obtained from the educational plant survey will be used to generally monitor the progress of the objectives and policies contained in the Educational Element and will provide specific indicators for Objective EDU-1 and Objective EDU-4.

The enforcement or adoption of interlocal agreements shall be explored as a means to help implement components of ~~Objective EDU-2, Objective EDU-3, and Objective EDU-5~~ the Educational Element, and to coordinate the efficient provision of public educational facilities. The performance of any agreements related to ~~these objectives~~ of this element will be monitored as they are set in place.

Objective EDU-1 policies relating to the maintenance and improvement of specific level of service for public educational facilities, as specified in the Educational Facilities Impact Fee Ordinance, shall be reviewed annually. Each year, the ~~District~~ Miami-Dade County Public Schools will compare the official enrollment of the school system with the number of student stations available to determine the current operating LOS.

Objective EDU-2 will be measured through an annual review of the latest adopted Miami-Dade County Public Schools Facility Work Program to determine if the adopted concurrency level of service standard is being achieved. The number of development orders approved, those disapproved and those that have achieved LOS standards through mitigation options will also be reviewed.

Objective EDU-23 will be monitored through the annual inventory and assessment by the Miami-Dade County Public Schools ~~System~~ of School Board owned property. The number of new sites shall be reported annually and in the full review period reported in the EAR.

Objective EDU-34 will be monitored through the review and analysis of the statistics relating to school safety, as compiled annually, by the ~~MDCPS~~ Miami-Dade County Public Schools' Division of Police. A review and analysis of new and existing reactive and proactive safety and crime prevention programs will also be conducted on an annual basis.

Objective EDU-45 shall be monitored by the Miami-Dade County Public Schools ~~System~~ by reporting and reviewing the progress and number of new and existing community oriented programs, including an enrollment analysis, by age and ethnicity, of adult, community and vocational programs.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

Objective EDU-~~56~~ shall be monitored by the Miami-Dade County Public Schools ~~System~~ by reporting the number of educational facility enhancements such as media centers, art/music suite, and science laboratories.

Objective EDU-~~67~~ will be addressed by implementing and tracking the development of appropriate mechanisms, including interlocal agreements and coordination efforts, which serve to expedite the provision or enhancement of public educational facilities.

Monitoring methods may be added or deleted as circumstances and criteria evolve. Any significant modifications to the monitoring process will be dealt with, as appropriate, through the Comprehensive Development Master Plan amendment process.

Evaluation

Available data regarding the various public educational facilities will be used to assess progress on specific objectives. In order to evaluate the level of service being provided, student capacity totals will be reviewed in comparison to student enrollment to determine the status of the current level of service being provided. Similarly, performance in terms of achieving other objectives can also be analyzed by tracking the number of completed capital projects, as well as the development and implementation of other programs associated with each objective. Results of these calculations and measures will be analyzed and changing circumstances and opportunities will be considered.

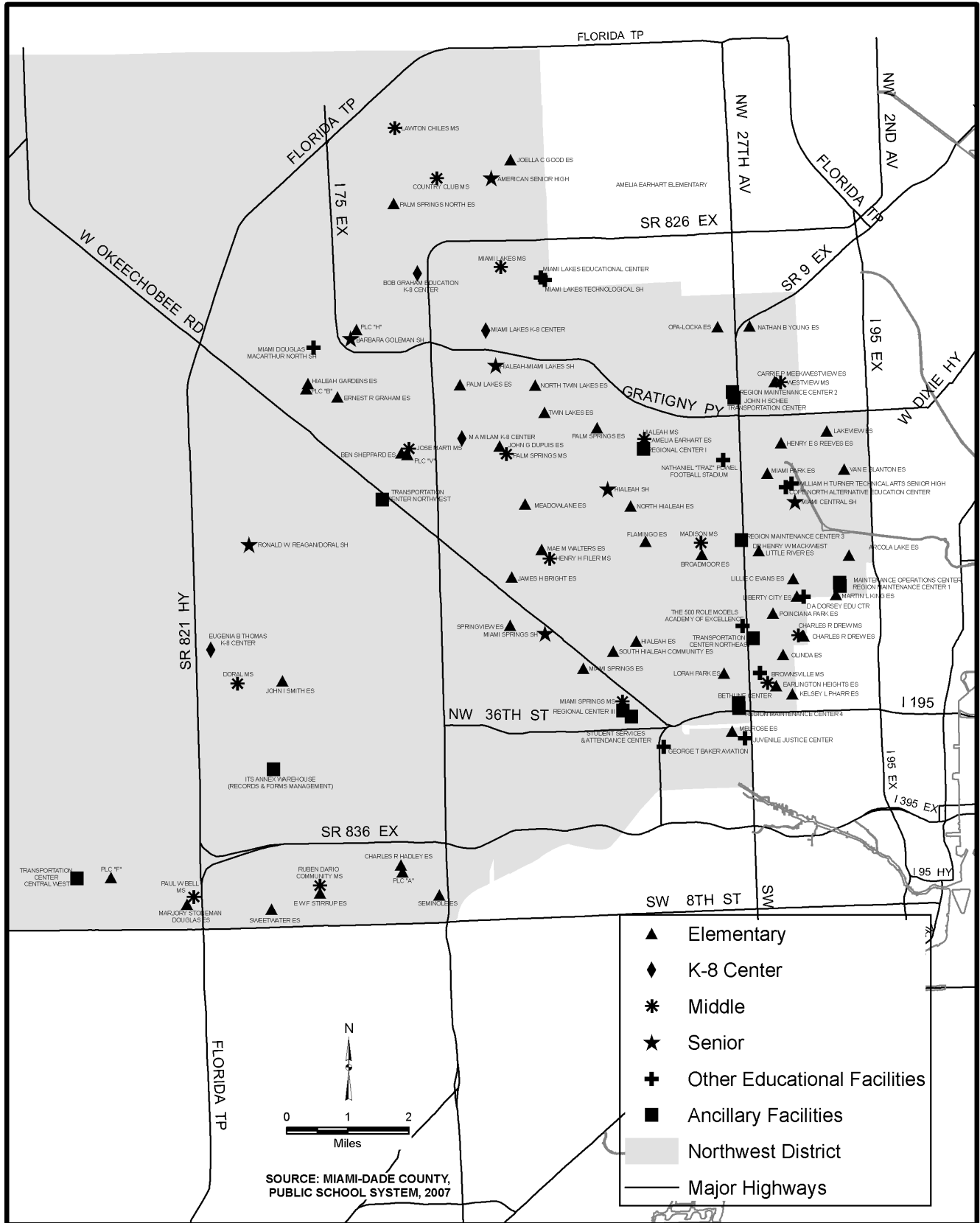
Any actions, changes or modifications to the Goal, Objectives, and Policies will be explained in accordance with the results of this process of continued monitoring and evaluation. Any necessary changes will be made through the Comprehensive Development Master Plan amendment process.

Future Conditions Maps

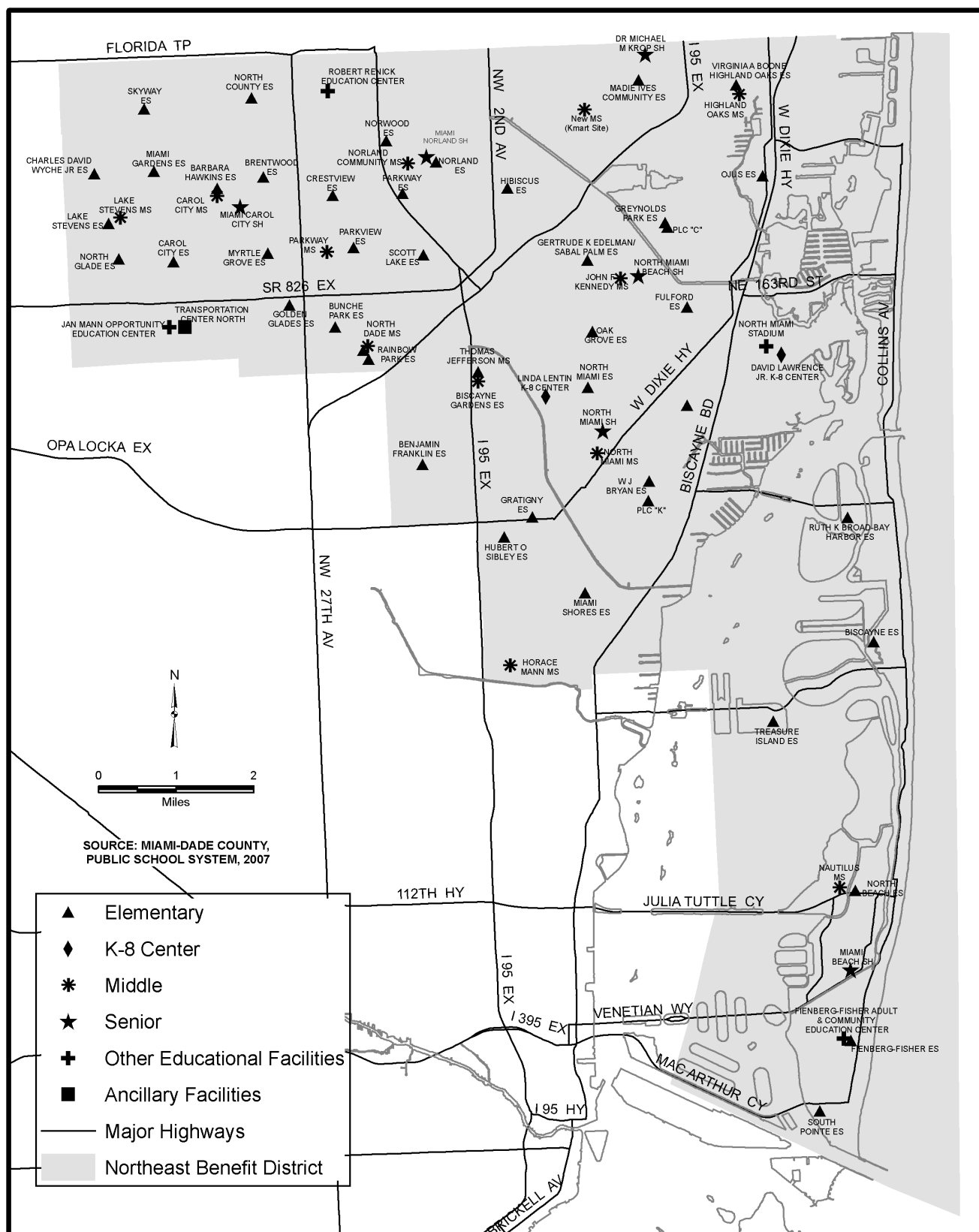
Consistent with Section 163.3177(12)(g), Florida Statutes, maps showing existing and future conditions are included in the element. A map series (Figures 1A through 1D, 2A through 2D, and 3A through 3D) has been included which indicates the location of public schools and ancillary facilities over the 5-year planning period (2008 through 2012). Public schools are depicted using four areas of the County that are generally equivalent to the proposed Educational Impact Fee Benefit District. Figures 1A through 1D indicate the current public school and ancillary facility locations as of December 31, 2007. Figures 2A through 2D represent the location of public school and ancillary facilities anticipated by December 31, 2012. Map locations of future public school facilities are general and do not prescribe a land use on a particular parcel of land.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

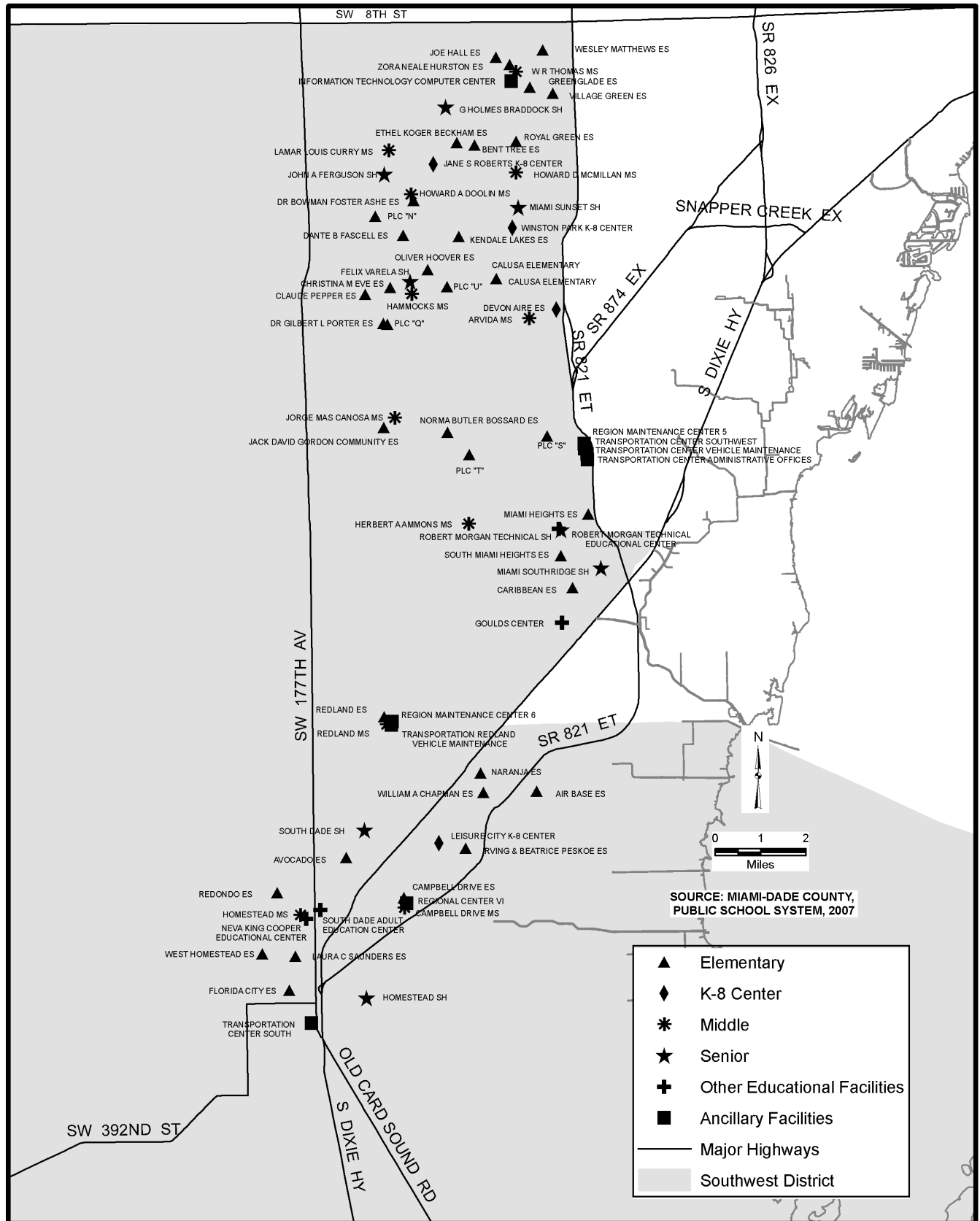
**Figure 1A – Existing Educational and Ancillary Facilities
Located in the Northwest Area – 2007**



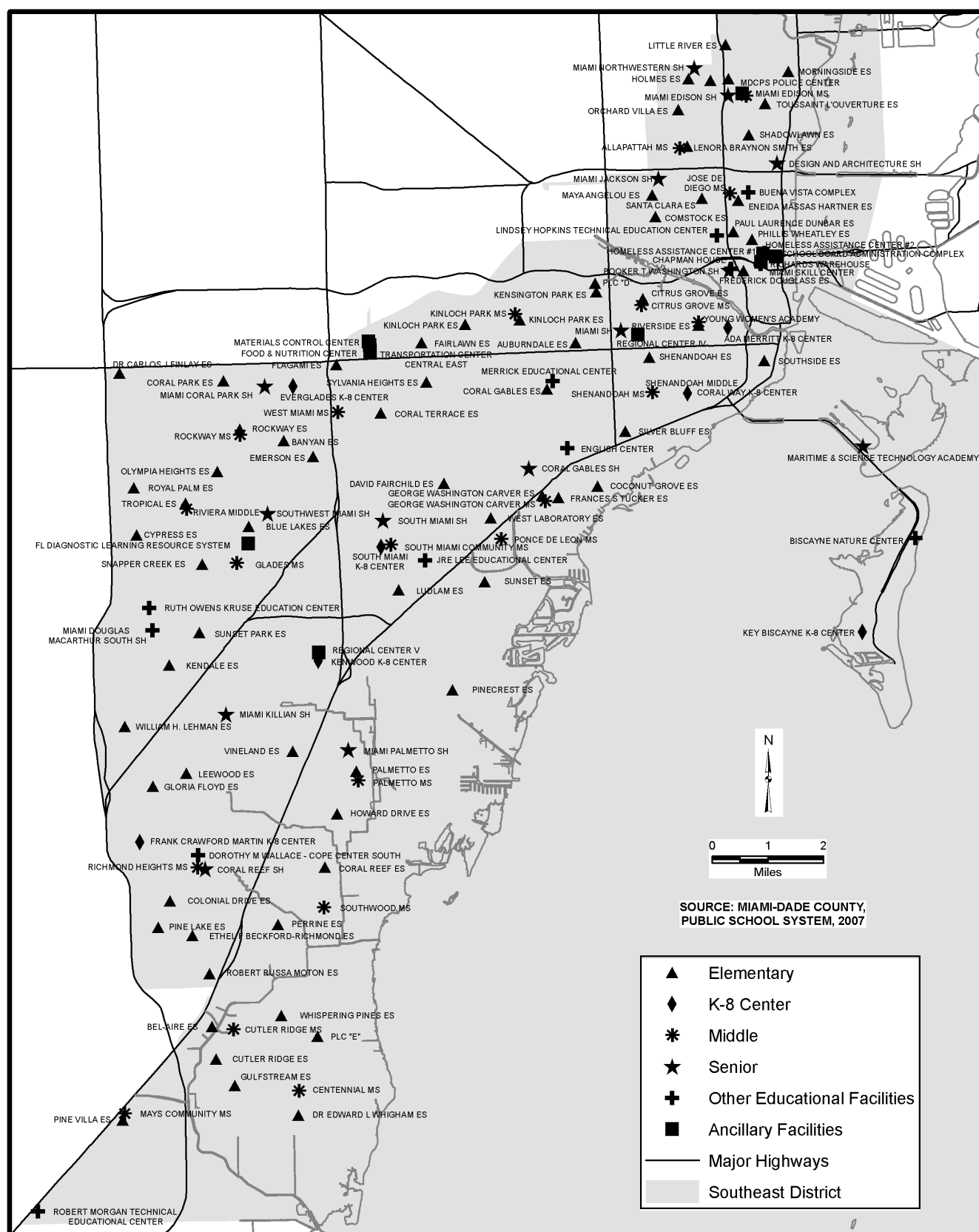
**Figure 1B – Existing Educational and Ancillary Facilities
Located in the Northeast Area – 2007**



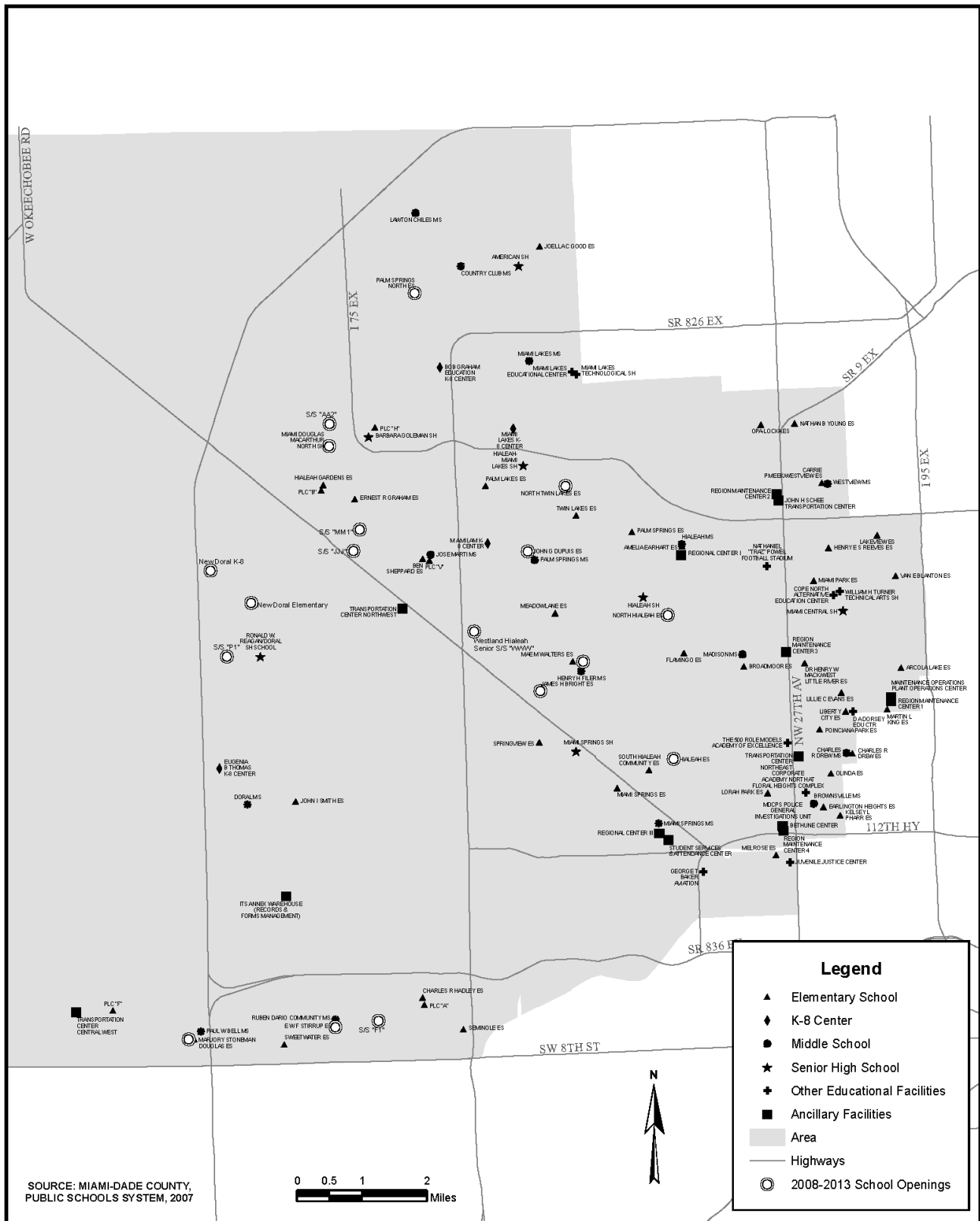
**Figure 1C – Existing Educational and Ancillary Facilities
Located in the Southwest Area – 2007**



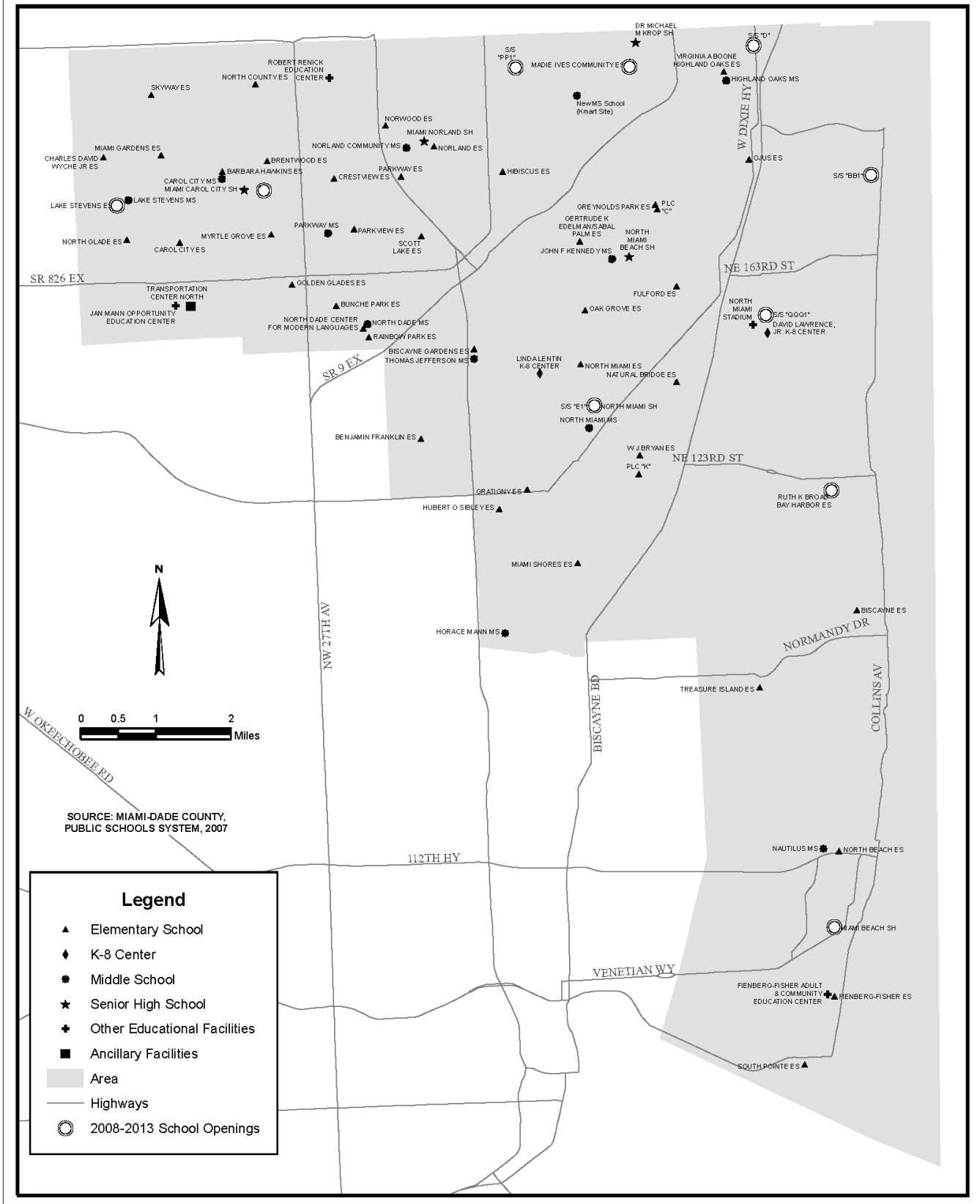
**Figure 1D – Existing Educational and Ancillary Facilities
Located in the Southeast Area – 2007**



**Figure 2A - Proposed Educational and Ancillary Facilities
Located in the Northwest Area - 2012/2013**



**Figure 2B - Proposed Educational and Ancillary Facilities
Located in the Northeast Area - 2012/2013**



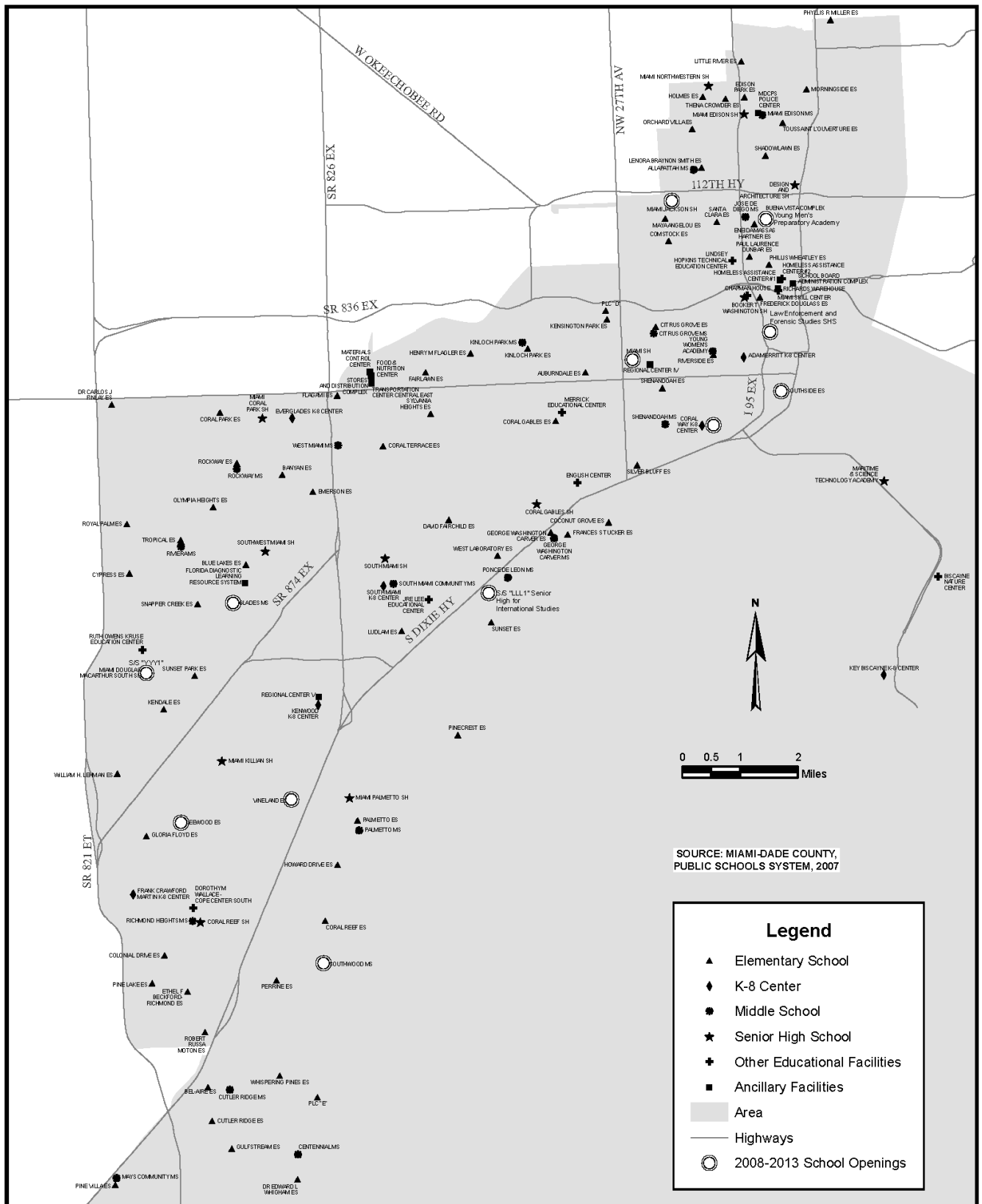
Map of Miami-Dade County, Florida, showing the locations of 2008-2013 school openings.

Legend:

- ▲ Elementary School
- ◆ K-8 Center
- Middle School
- ★ Senior High School
- ✦ Other Educational Facilities
- Ancillary Facilities
- Area
- Highways
- 2008-2013 School Openings

Source: MIAMI-DADE COUNTY, PUBLIC SCHOOLS SYSTEM, 2007

**Figure 2D - Proposed Educational and Ancillary Facilities
Located in the Southeast Area - 2012/2013**



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PART B - Revise the Policies and text, including the Introduction and maps of the Intergovernmental Coordination Element (ICE) as follows:

**THE FOLLOWING NARRATIVE MODIFIES THE INTRODUCTION OF THE ELEMENT IN
THE CDMP (Pages VIII-1 to VIII-3)**

INTERGOVERNMENTAL COORDINATION ELEMENT

Introduction

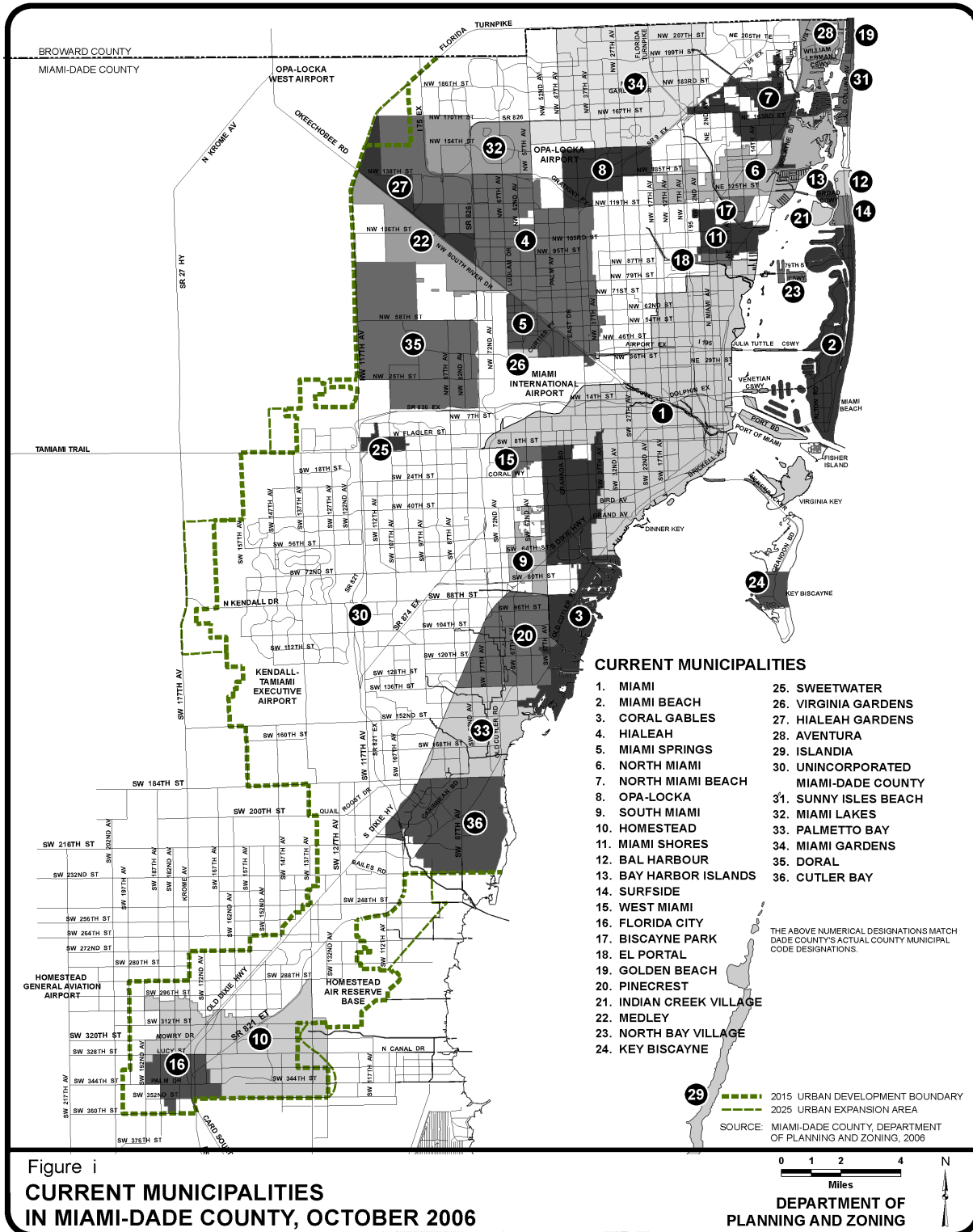
The purpose of the Intergovernmental Coordination Element is 1) to identify and resolve incompatibilities between Miami-Dade County's comprehensive planning and growth management processes and those of other governmental entities within the County's area of concern, and 2) to review existing, and propose improved coordination of, processes for comprehensive planning and growth management between Miami-Dade County, local governmental entities within its area of concern, and regional, State and federal agencies. The local governmental entities within Miami-Dade County's area of concern are defined by Florida Administrative Code Section 9J-5.015(1), as the thirty-~~four~~ five municipalities within Miami-Dade (See Figure 1), the three adjacent counties and the adjacent municipalities within these counties listed on Table 1. The major regional, State and federal entities with which Miami-Dade County must coordinate its planning and growth management are listed on Table 2.

Intergovernmental coordination has been and remains a hallmark of Miami-Dade County government. Concern over the ability of the fragmented local governments to effectively plan and manage the emerging Greater Miami metropolis was the impetus for the establishment of the two-tier -- areawide and local -- approach to government in 1957. Even though the County encompassed relatively few local governmental entities at that time (one quarter of the 120-unit average for metropolitan areas of similar size), the "streamlining" of governance was a primary objective of the voters in establishing the metropolitan government. No net change occurred between 1957 and 1995 in the number of municipalities. This is a remarkable record in view of the County's nearly tripled population and more than doubled area of development. Since 1995, ~~eight~~ nine additional areas have been incorporated. Miami-Dade has made significant strides in governmental coordination in two other ways. Masked by the relative stability in number of local government units is the dramatic metropolitanization of responsibilities that have taken place in such services as water supply and distribution, sewage collection and disposal, solid waste disposal, fire protection, libraries and transportation, all of which has greatly facilitated intergovernmental coordination. In addition, Miami-Dade County government has structured many of its administrative and operating units, such as the Development Impact Committee, the Department of Environmental Resources Management and the Miami-Dade County Housing Agency, to facilitate coordination with their regional, State and federal counterparts.

(Note: Introduction was last updated in ~~2004~~ 2007. Currently several areas are seeking to incorporate.)

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

Replace existing Current Municipalities Map with new Figure i Current Municipalities Map in Miami-Dade County, July 2007



Words ~~stricken through~~ shall be deleted. Words underlined are proposed additions. Remaining provisions are now in effect and remain unchanged.

Effective comprehensive planning has also been a central focus of the Miami-Dade government from the onset. The power to "prepare and enforce comprehensive plans for the development of the county" was one of twenty-four specified in the County Charter and a Department of Planning is one of the four departments required by it. The County adopted its first land use plan in 1965 and has since enacted a series of increasingly more refined growth management plans and procedures.

In summary, Miami-Dade has a thirty-nine year history of intergovernmental coordination for effective comprehensive planning and plan implementation. This element provides a review of this coordination and identifies selected aspects in need of change.

Table 1
Local Governments Within Miami-Dade County Area of Concern
 Miami-Dade County Municipalities and Public Schools

Aventura	Miami Lakes
Bal Harbour	Miami Gardens
Bay Harbour Islands	Miami Shores
Biscayne Park	Miami Springs
Coral Gables	North Bay Village
<u>Cutler Bay</u>	North Miami
Doral	North Miami Beach
El Portal	Opa-locka
Florida City	Palmetto Bay
Golden Beach	Pinecrest
Hialeah	South Miami
Hialeah Gardens	Sunny Isles
Homestead	Surfside
Indian Creek Village	Sweetwater
Islandia	Virginia Gardens
Key Biscayne	West Miami
Medley	Miami-Dade County
Miami	Public Schools
Miami Beach	
Adjacent Counties	Adjacent County
Broward	Adjacent Municipalities
Collier	Hallandale Beach
Monroe	Pembroke Park
	Miramar

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

THE FOLLOWING NARRATIVE MODIFIES POLICY ICE-1S (Page VIII-7)

- ICE-1S. Miami-Dade County and the Miami-Dade County Public Schools shall follow the procedures established ~~by~~ in the adopted “Interlocal Agreement for Public School Facilities Planning in Miami-Dade County” ~~adopted on February 27, 2003~~ for coordination of land uses and public school facilities planning.

THE FOLLOWING NARRATIVE ADDS A NEW POLICY ICE-2B (Page VIII-7)

- ICE-2B Miami-Dade County shall coordinate with the Miami-Dade County Public Schools and other parties to the adopted Interlocal Agreement for Public School Facility Planning to establish Level of Service Standards (including Interim LOS standards) for public school facilities and any amendments affecting public school concurrency.

THE FOLLOWING NARRATIVE RENUMBERS THE REMAINING POLICIES AND MODIFIES POLICY ICE-2D (Pages VIII-7 AND VIII-8)

- ICE-2B ~~C~~ Impacts on facilities of State, regional and local governments shall be included in impact fee ordinances, which may be established by Miami-Dade County. These impact fees shall be applied to those geographic and jurisdictional areas, which will benefit from the facilities funded by the fees. The area where each impact fee shall apply shall be determined by the Board of County Commissioners at the time said fee is established.
- ICE-2C ~~D~~ Miami-Dade County shall coordinate with the following non-County entities having services planning and provision responsibilities in Miami-Dade County with respect to refining and adjusting areawide and unincorporated area local Levels of Service:
- State and federal roadways - Florida Department of Transportation
 - Drainage - South Florida Water Management District
 - Potable water supply - South Florida Water Management District
 - Regional policies - South Florida Regional Planning Council
 - Public educational facilities – Miami-Dade County Public Schools
- ICE-2D ~~E~~ Utilize informal approaches and formal coordination mechanisms afforded by the inter-government review and comment provisions of the Local Government Comprehensive Planning and Land Development Regulation Act to provide opportunities for Miami-Dade County municipalities to comment on the Level of Service for areawide services established by the County.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

PART C -- Revise the Objectives, Policies and text of the Capital Improvement Element (CIE) as follows:

THE FOLLOWING NARRATIVE MODIFIES THE INTRODUCTION (Page VIII-1)

CAPITAL IMPROVEMENTS ELEMENT

Introduction

Probably one of the most significant and far reaching provisions of the Local Government Comprehensive Planning and Land Development Regulation Act is the requirement that all local comprehensive plans contain a capital improvements element (CIE). The intent is to make such plans "fiscally feasible". That is, a community or governmental jurisdiction must precisely identify the public infrastructure and other facilities which projected growth requires, at given levels of service, and must clearly demonstrate the ability to fund these investments. Not only must new growth be considered, but efforts must be directed at correcting existing deficiencies.

Recognizing that there are major shortcomings in public facilities and services throughout the State of Florida, the new planning legislation adopted what is known as the "concurrency" principle. That is, as growth occurs, the facilities must be provided, thus assuring that the infrastructure situation will not deteriorate further. For those local governments having capital improvements programs, the capital improvements element will likely be more narrow in scope, since the functional areas covered are selective. Only the following are required items.

- Transportation facilities
- Sewerage
- Water
- Drainage/aquifer recharge
- Solid waste disposal
- Recreation/open space
- Coastal management
- Conservation
- Educational/public school facilities

Notable for their absence are police, fire, ~~educational~~, health and criminal justice facilities, although infrastructure needs of ~~schools and~~ health facilities are supposed to be considered.

The CIE should give attention to the total fiscal capability of the local governmental body to which it is applicable. This includes analysis of public expenditures, revenues, taxes and other funding sources, financial management, and capital programming and budgeting. Goals, objectives and policies related to these areas must be spelled out.

Since Miami-Dade County has a large and sophisticated Capital Budget and Multi-Year Capital Plan, it is not necessary for the CIE to contain detailed financial analysis. The capital

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improvements contained in the CIE are a subset of the County's Capital Plan and the financial analysis contained therein is incorporated by reference in the CIE. Capital improvements associated with the construction of educational facilities are not addressed in the County's Capital Budget and Multi-Year Capital Plan but rather are the responsibility of the Miami-Dade County Public Schools. To address financial feasibility associated with school concurrency, the Miami-Dade County Public School Facilities Work Program for educational facilities will be incorporated by reference into the CIE.

The *Adopted Components* of the CIE include the goal, objectives and policies, the level of service (LOS) standards, and the 6-Year Schedule of Improvements. Also, the requirements and suggestions for monitoring and evaluation are discussed.

THE FOLLOWING NARRATIVE ADDS NEW POLICY CIE-1G (Page IX-2)

CIE-1G The Miami-Dade County Public Schools and Miami Dade County have the responsibility for providing school concurrency related capital improvements and should continually seek to expand the funding sources available to meet those requirements.

THE FOLLOWING NARRATIVE MODIFIES POLICY CIE-3C (Page IX-4) WITH THE ADDITION OF THE PUBLIC SCHOOLS NARRATIVE AT THE END OF THE POLICY (Page IX-9)

CIE-3C. The 6-Year Schedule of Improvements will incorporate the identified capital investments from each functional element and will be based on the following level of service standards:

Public Schools

The County shall coordinate new residential development with the future availability of public school facilities¹ consistent with the adopted level of service standards for public school concurrency, by reviewing residential development orders for their impact on level of service standards.

Beginning January 1, 2008, the adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary

¹ Level of Service standards for public school facilities apply to those traditional educational facilities, owned and operated by the Miami-Dade County Public School, that are required to serve the residential development within their established Concurrency Service Area. Level of Service standards do not apply to magnet schools, charter schools and other educational facilities that may have districtwide attendance boundaries; however, their capacity is credited against the impact of development. It is provided, however, that no credit against the impact of development shall be given for such districtwide educational facilities if their enrollment is at, or above, 100% FISH Capacity (with Relocatable Classrooms).

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

established by the Miami-Dade County Public Schools.

All public school facilities should continue to maintain or decrease their percent utilization of FISH capacity (With Relocatable Classrooms). Public school facilities that achieve 100% utilization of Permanent FISH capacity (No Relocatable Classrooms) should no longer utilize relocatable classrooms except as an operational solution³.

THE FOLLOWING NARRATIVE MODIFIES POLICY CIE-4A (Page IX-9)

CIE-4A. Appropriate funding mechanisms will be adopted and applied by Miami-Dade County and the Miami-Dade County Public Schools in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms may include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bonds, impact fees, special purpose authorities, and others as appropriate and feasible.

THE FOLLOWING NARRATIVE MODIFIES POLICY CIE-5B (Pages IX-10)

CIE-5B. Provision of infrastructure subject to LOS standards will be done through a process which integrates the CDMP, departmental and Miami-Dade County Public Schools functional plans, capital improvements programming, budgeting and financial planning.

THE FOLLOWING NARRATIVE MODIFIES THE CONCURRENCY MANAGEMENT PROGRAM CONTAINED IN THE CIE (Pages IX-13 to IX-23)

Concurrency Management Program

An essential requirement of the State's local government comprehensive planning law has been termed the service "concurrency" requirement. Paraphrasing Section 163.3202, *Florida Statutes*, each county and municipality must amend its development regulations to incorporate specific and detailed provisions which shall provide that public facilities and services meet or exceed the LOS standards established in the Plan's Capital Improvements Element and are available when needed for the development, or that the development orders or permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. The term "development order" is defined in Chapter 163.3164, F.S., to include any zoning action, subdivision approval, certification, permit, or any other official action of local government having the effect of permitting the development of land. Many different types of such development orders are typically issued by Miami-Dade County agencies and boards. These include zoning district boundary changes, variances, unusual use, and site plan approvals; environmental permits and certifications; tentative and final subdivision plat approvals; building

³ Relocatable classrooms may be used by the Miami-Dade County Public Schools as an operational solution to achieve the level of service standard during replacement, remodeling, renovation or expansion of a public school facility.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

permits, and certificates of use and occupancy (COs). At progressive stages in the development planning and approval process, concurrency determinations can be made with greater certainty.

In order to effectuate the service concurrency requirements contemplated by Chapter 163, F.S, Miami-Dade County shall enact, by ordinance, a concurrency management program which accomplishes the statutory requirements. Administration of the required program necessarily involves the establishment of methods and capabilities to monitor outstanding development commitments and the service demands posed by those commitments, plus the existing, programmed and projected capacities of all pertinent urban service facilities or systems.

In its concurrency management program, Miami-Dade County shall make appropriate concurrency determinations in conjunction with the following development approval activities: 1) at the time of zoning actions, site plan approvals and subdivision approvals; 2) prior to the issuance of building permits; and 3) prior to the issuance of certificates of use and occupancy. Consideration will be given to effective measures which may be employed to mitigate traditional service impacts of developments. In general, no zoning action authorizing a new use or the expansion of an existing use and no subdivision plat or site plan shall be approved unless the facilities necessary to maintain level of service standards exist or are projected to exist when necessary to serve the development. Zoning approvals shall be based on inclusion of necessary facilities in the applicable service Element of the Comprehensive Development Master Plan, in the adopted Capital Improvements Element of the CDMP, in the adopted Miami-Dade County Public Schools Facilities Work Program dated September 2007, for educational facilities or in the plan or work program of the State agency having functional responsibility for provision of the facilities. Such findings shall be included in staff recommendations to the Board of County Commissioners, Community Zoning Appeals Board (CZAB), or other applicable board or agency. If the foregoing plans and programs indicate a low probability that concurrency will be met, but the necessary facilities are technically feasible, such rezoning action should be preceded by a CDMP amendment to add the necessary facilities. Alternatively, such zoning may be approved if the applicant executes a written agreement to provide the necessary facilities on a timely basis. All such development approvals prior to the "Principal Concurrency Determination" will contain a notice reserving the right of the County to make its principal concurrency determination prior to issuance of building permits.

An affirmative principal concurrency determination will be required before a prospective developer can obtain a subsequent development order. It is intended that at least one principal determination be made at an early stage in the development planning process prior to the point at which major expenses are incurred in reliance on development approval. Principal concurrency determinations will be made prior to the approval of subdivision plats or, in instances where plat approvals are not required or have predated the effective date of the concurrency requirement, a principal concurrency determination will be made at the building permit stage. A principal concurrency determination made at final plat approval will serve as the determination for requested building permits where said permits are issued within two years after the date of final plat approval. Where the applicant demonstrates that development has commenced on a timely basis and is continuing in good faith, this period may be extended but in no case shall this period exceed five years after final plat approval. Administrative procedures for demonstrating that development has commenced on a timely basis and is continuing in good faith shall be

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

established in the County's land development regulations.

1. Except as provided in paragraphs 3, 4, 5, ~~and 6, and 7~~ below, in no instance shall a building permit be issued authorizing construction of a new building or expansion of an existing building unless the facilities necessary to maintain LOS standards are existing and available or are assured to be existing and available within the following timeframes relative to the date of issuance of a certificate of use and occupancy (CO):
 - a) Necessary water, sewer, solid waste and drainage facilities must be in place and available at the time of issuance of a CO;
 - b) Necessary parkland must be acquired or dedicated, or funds in the developer's fair share must be committed prior to the issuance of a CO if the development is located within the Urban Development Boundary (UDB)⁴; and
 - c) Necessary transportation facilities must be contracted for construction no later than 36 months after issuance of a CO if the development is located within the UDB, and no later than the date of issuance of a CO if the development is located outside the UDB.
 - d) Necessary public school facilities must be in place or under actual construction within three years after issuance of final subdivision or site plan approval, or the functional equivalent.
2. Assurance that the facilities will be constructed or acquired and available within the timeframes established in foregoing paragraphs 1b), 1c) and ~~ed)~~ shall be provided by the following means:
 - a) The necessary facilities are under construction at the time the building permit is issued;
 - b) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the building permit is issued;
 - c) The necessary facilities are funded and programmed in year one of the County's adopted capital budget or are programmed in the CIE for construction or acquisition; the necessary facilities shall not be deferred or deleted from the CIE work program or adopted one-year capital budget unless the dependent building permit expires or is rescinded prior to the issuance of a certificate of use and occupancy; the County and Miami-Dade County Public Schools will diligently strive to enter into construction contracts for necessary facilities within said time but shall retain the right to reject unsatisfactory bids; contracts shall provide that construction of the necessary facilities must proceed to completion with no unreasonable delay or interruption;
 - d) The necessary facilities are programmed, in the five-year capital facility plan or

⁴The Urban Development Boundary is presented on the Land Use Plan Map.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

work program of the Miami-Dade County Public Schools or State agency having operational responsibility for affected facilities, for construction or acquisition;

3. A proposed development will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted Comprehensive Development Master Plan and it meets the following criteria pursuant to Section 163.3180, Florida Statutes:
- a) The proposed development located within the Urban Infill Area⁵; or
 - b) The proposed development is located in an existing urban service area⁶ within the UDB and is located in a Community Development Block Grant (CDBG)-eligible Area established pursuant to the Housing and Community Development Act of 1974, as amended, and CFR Part 570, or Chapter 163, Part 3, F.S., respectively, or in an Enterprise Zone established pursuant to Chapter 290, F.S., or in an designated Enterprise Community area established pursuant to Federal law; or
 - c) The proposed development is one which poses only special part-time demands on the transportation system as defined in Section 163.3180(5)(c), Florida Statutes, and is located in an existing urban service area inside the UDB; or
 - d) The proposed development is located inside the UDB, and directly and significantly promotes public transportation by incorporating within the development a Metrorail, Metromover or TriRail Station, or a Metrobus terminal⁷ for multiple Metrobus routes, or is an office, hotel or residential development located within one-quarter mile of a Metrorail, Metromover or TriRail station, or a Metrobus terminal for multiple Metrobus routes⁸; and
 - e) If the project would result in an increase in peak period traffic volume on an FIHS roadway that is operating below the CDMP-adopted LOS standard or would operate below the LOS standard as a result of the project, and which increase would exceed 2 percent of the capacity of the roadway at the CDMP-adopted LOS standard, the County shall require the developer and successors to implement and maintain trip reduction measures to reduce travel by single-occupant vehicles so that the resultant increase in traffic volume does not exceed 2 percent.

Miami-Dade County shall include in its concurrency management program ordinance or

⁵ Urban Infill area (UIA) is defined in Traffic Circulation Subelement Policy 1B and is depicted in CIE Figure 1.

⁶ Existing urban service area means an area inside the UDB which is already built up and where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.

⁷ Metrobus terminals for multiple routes are those non-rail transit centers as mapped in the CDMP Mass Transit Subelement, which contain dedicated parking facilities or significant transit patron structures and amenities.

⁸ Planned stations and terminals shall not serve as a basis to grant this concurrency exception if the station, associated rapid transit corridor segment, or terminal is identified in the Transportation Element as “not cost-feasible”.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

administrative rules appropriate criteria and methodologies to implement the exceptions authorized in foregoing paragraphs 3a) through 3e), consistent with requirements of Chapter 163, Part 2, Florida Statutes.

4. A proposed development that conforms to the criteria enumerated in Section 163.3180 (6), F.S., and is located in an existing urban service area within the UDB where an affected transportation facility is operating below its adopted LOS standard is deemed to have a de minimis impact that, alone or in combination with other similar or lesser impacts, will not cause unacceptable degradation of the level of service on affected transportation facilities; however no impact will be a de minimis impact if it would exceed the adopted level of service standard of any affected designated evacuation route, as mapped in the Traffic Circulation Subelement. Miami-Dade County shall include in its concurrency management program ordinance or administrative rules appropriate methodologies for determining and monitoring de minimis impacts consistent with Chapters 163.3180 (6) Florida Statutes, and Chapter 9J-5, Florida Administrative Code and any amendments thereto and successor legislation or rules.
5. A proposed development that is located within the UDB may receive an extension of the 36-month limitation established in foregoing paragraph 1c), and receive transportation concurrency approval on this basis, when all the following factors are shown to exist:
 - a) The CDMP is in compliance with State law;
 - b) The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the CDMP, as determined by the County;
 - c) The CIE provides for transportation facilities adequate to serve the proposed development, and the County has not implemented that project;
 - d) The landowner shall be assessed a fair share of the cost of providing the transportation facilities necessary to serve the proposed development; and
 - e) The landowner has made a binding commitment to the County to pay the fair share of the cost of providing the transportation facilities to serve the proposed development. Miami-Dade County shall include in its concurrency management program ordinance or administrative rules appropriate criteria and methodologies to implement this provision.
6. Miami-Dade County shall, by ordinance, include proportionate fair share mitigation methodologies and options in its concurrency management program, consistent with the requirements of Chapter 163, Florida Statutes. The intent of these options is to provide for the mitigation of transportation impacts through mechanisms that might include, but are not limited to, private funds, public funds, contributions of land, and the construction or contribution of facilities. Transportation facilities or segments identified for improvement through the use of proportionate fair share mitigation options must be included in the Capital Improvements Element, or in the next regularly scheduled update of the Capital Improvements Element.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

7. The County in coordination with the Miami-Dade County Public Schools shall by ordinance, include proportionate share mitigation methodologies and options for public school facilities in its concurrency management program and Interlocal Local Agreement for Public Facility Planning between Miami-Dade County Public Schools, Miami-Dade County and the Cities in Miami-Dade County, consistent with the requirements of Chapter 163, Florida Statutes. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities through mechanisms that might include, but are not limited to, one or more of the following: contribution of land; the construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits.

Implementation Schedules of Improvements

The following pages deal with the implementation of the CIE. The capital projects forthcoming from each functional element are listed for the period 2005/2006-2010/2011 along with the cost, location, expected revenues and funding source. These are the latest schedules of projects, which have been adjusted to incorporate changes adopted by the County Commission through the April 2005-2006 amendment cycle. Additionally, those capital improvements for educational facilities, as listed in the Miami-Dade County Public Schools Facilities Work Program dated September 2007 and adopted by the Miami-Dade School Board, are incorporated by reference into the CIE.

THE FOLLOWING NARRATIVE MODIFIES THE CONCURRENCY MANAGEMENT PROGRAM BY ADDING A PUBLIC SCHOOLS SECTION TO THE AGGREGATE EXPENDITURES AND REVENUES SECTION OF THE CIE FOLLOWING THE PARKS AND RECREATION NARRATIVE (Page IX-26)

Aggregate Expenditures and Revenues

Park and Recreation

Local recreation open spaces are defined as open spaces, which serve the close-to-home recreation and open space needs of unincorporated residential areas. Population growth is the most important consideration guiding local park facilities investment decisions. The quantitative link used to translate population into local park needs is the adopted LOS standard of 2.75 acres of local recreation open space per 1,000 populations.

Areawide recreation open spaces shall be provided and designed to meet the broad needs of all Miami-Dade County residents and tourists. They are developed to make important natural resources and major athletic activity complexes available to the public. Acquisition policy is oriented towards the addition of large properties with natural resources and good access to the park inventory.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

In both cases, the primary determinant is supplemented by a number of additional considerations affecting the specific decision. Property characteristics, location, size, configuration and availability are critical variables. Access, proximity to the population in need, adjacent land uses and neighboring alternative recreation opportunities are also important criteria in facility investment decisions. The Park and Recreation Department also places special emphasis on the acquisition of environmentally and historically significant properties.

The following policy as adopted in the Comprehensive Development Master Plan will guide the prioritization of park investments: The County shall prioritize park capital improvement expenditures in accordance with the following criteria: 1) Acquire local parkland to maintain the adopted level-of-service standard for local recreation open space by correcting existing deficiencies and addressing future needs and acquire areawide parkland suitable for outdoor recreation while preserving natural, historical and cultural resources; 2) renovate and upgrade existing recreation open spaces and facilities, and; 3) develop new recreation open spaces and facilities within undeveloped or incomplete parks.

It has long been the policy of the Park and Recreation Department that the provision of all parks will be staged so that they are available to serve new development as it is completed. In addition, it is also department policy that unique natural features and historically significant properties to be given priority in parks acquisitions. Locational characteristics are also critical factors. Where possible, Public Local Recreation Open Space should be developed in conjunction with or near public schools and other compatible uses. They should also be located so as to be easily accessible; yet should not be degraded by excessive traffic.

Plans of State agencies providing public facilities are taken into consideration primarily in the context of State Department of Natural Resources (DNR) provision of State parks and recreation areas. The County Park and Recreation Department generally seeks to complement State facilities in terms of location and activities available at the site.

In the Schedule of Improvements, there are 130 projects, which total \$316.7 million to be expended during the 2005–2010 period (See Table 6). Most of the projects are for the "quality of life" type facilities, which make up such a large component of its program. Funding has been identified mostly as the result of the Safe Neighborhood Parks referendum approved in 1998, as well as the recent voter approved GOB program. Operating cost effects of Parks are often considerable and are frequently more of an impediment than construction funding.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

Public Schools Facilities

Miami-Dade County shall coordinate with the Miami-Dade County Public Schools, to annually update its Facilities Work Program to include existing and anticipated facilities for both the 5-year and long-term planning periods, and to ensure that the adopted level of service standard, including interim standards, will continue to be achieved and maintained. Miami-Dade County, through its annual update to the Capital Improvements Schedule, will incorporate by reference the latest adopted Miami-Dade County Public Schools Facilities Work Program for educational facilities. Miami-Dade County and the Miami-Dade County Public Schools will coordinate their planning efforts prior to and during the Miami-Dade County Comprehensive Development Master Plan Amendment process and during updates to the Miami-Dade County Public Schools Facilities Work Program.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.

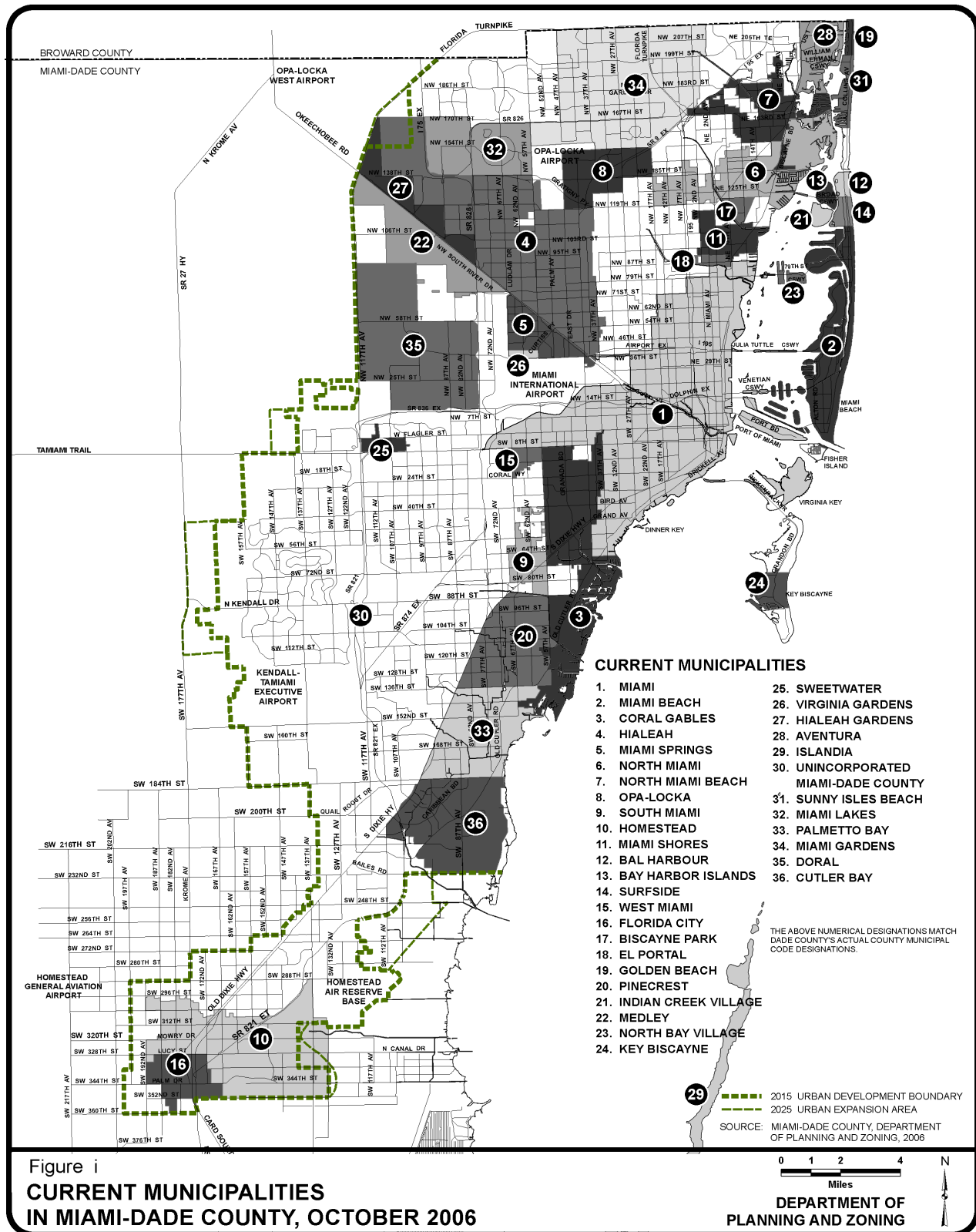
PART D – Revise the text and maps contained in the Preface as follows:

PREFACE

Municipal Plans

The CDMP for Miami-Dade County necessarily addresses both incorporated and unincorporated areas due to the many areawide responsibilities of Miami-Dade County government. Each of the ~~thirty-four~~ five municipalities in Miami-Dade County (see Figure i) is also required, by Chapter 163, *F.S.*, to adopt its own comprehensive plan for the area within its jurisdiction. The County plan emphasizes the unincorporated areas and the County's jurisdictional responsibilities in municipal areas. Readers who are interested in conditions in, or proposals for, incorporated areas should consult the appropriated municipal comprehensive plans and the CDMP Statement of Legislative Intent.

Words ~~stricken through~~ shall be deleted. Words underscored are proposed additions. Remaining provisions are now in effect and remain unchanged.



Words ~~stricken through~~ shall be deleted. Words underlined are proposed additions. Remaining provisions are now in effect and remain unchanged.

4. REASON FOR CHANGE

This application proposes amendments to the Educational Element, ICE, and CIE and in order to address the new requirements of Section 163.3180, Florida Statute as legislated through the Growth Management Law of 2005.

The proposed amendments will modify and add Objectives, Policies text, appendices and maps, as necessary, to the Educational, Intergovernmental Coordination and Capital Improvements Elements to ensure compliance with the School Concurrency regulations of the 2005 Growth Management law. These modifications are necessary to: 1) define a public school facilities Level of Service standard; 2) provide for the methodology of a school concurrency program; and, 3) provide for the development of proportionate share mitigation criteria as required by Chapter 163, Florida Statutes. Failure to amend the CDMP as necessary to implement school concurrency, or enter into an approved Interlocal Agreement as required by 163.3177 and 163.31777, Florida Statutes, by January 1, 2008, will result in the County being prohibited from adopting any CDMP amendments, which would increase residential density, until these amendments have been adopted and transmitted to the Department of Community Affairs.

Proposed modifications to the Preface add text and map changes to ensure consistency with modification proposed in the ICE. These proposed modifications include the addition of Cutler Bay as a new municipality incorporated in 2005 and related map changes.

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CHAPTER 2

RECOMMENDATIONS

The Comprehensive Development Master Plan (CDMP) is Miami-Dade County's policy guide for countywide growth management. The Plan contains components such as goals, objectives and policies, which are countywide in scope, and components including the Land Use Plan map and schedules of capital improvements which express policy for localized areas. First and foremost, the CDMP is a metropolitan-scale plan for long-range countywide development. The achievement of long-term CDMP objectives is affected by cumulative amendment decisions. The active application filed during the October 2006 Plan amendment cycle can be categorized as a staff amendment to amend the Educational Element, Intergovernmental Coordination Element, Capital Improvements Element, and Preface of the CDMP.

Types of Recommendations

This chapter contains the Department of Planning and Zoning's initial recommendations addressing the application filed for review during the October 2006-2007 CDMP amendment cycle. The following two types of recommendations are usually issued:

1. DISPOSITION. Recommendations issued addressing final disposition of the applications may be for approval, approval with changes, or denial. Accordingly, the DP&Z for the staff application in the October 2006 CDMP amendment cycle will recommend a disposition for approval or approval with change.
2. TRANSMITTAL TO DCA. Transmittal to the Florida Department of Community Affairs (DCA) is a required action to continue the eligibility of any amendment application. Failure to transmit a standard amendment to DCA effectively denies an application from further consideration during the cycle.

When proposed amendments are transmitted to DCA, the County will request DCA to conduct a review of the transmitted amendment proposals, after which, the DCA may issue an "Objections Recommendations and Comments" (ORC) report. The Board of County Commissioners must schedule a specially advertised public hearing and take final action on applications not later than 60 days after receiving DCA's reply addressing an application. The Miami-Dade County Code provides that Commission action must also be preceded by an opportunity for a second PAB public hearing, except when DCA does not review a proposed amendment.

Following the presentation of the recommendations, the principal reasons for the Department's recommendations are outlined. The data and analysis described in Chapter 3 will be a basis for the recommendations. An analysis of the consistency of the proposed amendment with the underlying objectives and policies of the CDMP is contained in Chapter 4. These factors are all considered by the Department of Planning and Zoning in formulating its recommendations. However, only the factors deemed most significant to the Department's recommendations are cited in the principal reasons for the recommendations presented in this chapter following each recommendation.

SPECIAL APPLICATION (EDUCATIONAL ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, AND PREFACE OF THE CDMP)

Requested amendment: Numerous changes to the Educational Element, Intergovernmental Coordination Element, Capital Improvements Element, and Preface of the CDMP are presented in the Staff Application (Chapter 1).

Recommendations: Transmit to DCA with No Recommendation pending delivery of data and analysis by Miami-Dade Public Schools prior to the hearing of the Planning Advisory Board (PAB) on July 9, 2007

Principal Reasons for Recommendation:

The state legislature passed the Growth Management Law of 2005, which made significant changes to the Growth Management Act. A key requirement of the Growth Management Law of 2005 is that all local governments adopt a public school facility element in their comprehensive plan and adopt required updates to its public schools interlocal agreement.

Miami-Dade County adopted in 1996 an Educational Element to the Comprehensive Development Master Plan (CDMP) under provisions of the state growth management law that permitted the adoption of optional elements. The 1996 Educational Element was in response to Recommendation 9 in the Commission District 11 Area Planning Report, which was approved by the PAB on December 8, 1993 and by the Board of County Commissioners (BCC) on January 4, 1994 (Resolution No. 1-94). Recommendation 9 in the report stated, "An Education Facilities Element for the CDMP should be prepared". The Educational Element was amended in 1999 to address the 1998 requirement of the state growth management law that require local government comprehensive plans to include criteria providing for schools proximate to urban residential areas and encouraging the collocation of schools with other public facilities such as parks, libraries and community centers. The Educational Element was further amended in 2005 as a result of recommendations in the Evaluation and Appraisal Report (EAR) that was adopted in 2003.

This application seeks to amend the existing Educational Element in order to meet the requirements for public school facilities in the local comprehensive plan that were added in the 2005 growth management legislation for the now required element. These provisions provide for a Level of Service (LOS) standard for public school facilities, a school concurrency management program; and proportionate share mitigation criteria for school facilities. Subsection 9J-5.005(5) of the Florida Administrative Code (F.A.C.) requires that the local comprehensive plan be internally consistent. Thus, this application includes proposed changes to the Intergovernmental Coordination Element, Capital Improvements Element, and Preface that are related to the proposed changes to the Educational Element.

Transmittal of the application is needed to meet a deadline established by DCA in compliance with state law. Failure to adopt an amendment implementing the public school facility requirements and required updates to its public schools interlocal agreement by January 1, 2008 will result in a sanction from the state prohibiting the adoption of any Land Use Plan map

amendments that increase residential density until the required changes are adopted and transmitted to DCA. The adoption hearing of the BCC for this amendment cycle is scheduled for October 2007, which would allow the application to be adopted and transmitted to DCA prior to the January 1, 2008 deadline.

The Department of Planning and Zoning and Miami-Dade Public Schools have worked together to draft the text revisions included in this application. However, the Department of Planning and Zoning as of the date of this report (July 2, 2007) is unable to make a recommendation for adoption because sufficient data and analysis has not been submitted by Miami-Dade Public Schools to base a recommendation of approval on. Subsection 9J-5.005(2), F.A.C. requires that all goals, goals, objectives, policies, standards, findings, and conclusions within the comprehensive plan shall be based upon relevant and appropriate data and analyses applicable to each element.

For example, a major focus of the proposed text is to provide a concurrency management schedule for a ten-year period. Section 163.3177(2) of the Florida Statutes (F.S.) requires that the local comprehensive plan be financially feasible. To demonstrate that the long-term concurrency management schedule is financially feasible, Miami-Dade Public Schools must provide a 5-year schedule of capital improvements for schools. However, the 5-year schedule of capital improvements for schools has not yet been provided. The Department expects this schedule will be provided by the July 9, 2007 PAB hearing on this application. Miami-Dade Public Schools has verbally assured the Department of Planning and Zoning that the proposed school concurrency management schedule will work.

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Chapter 3

CONSISTENCY REVIEW OF APPLICATION WITH ADOPTED CDMP POLICIES

All CDMP amendment applications are evaluated for consistency with the Adopted Components of the CDMP. The 500-plus goals, objectives, policies, maps, and concepts and concepts were reviewed by the Department of Planning and Zoning to determine which ones materially applied to the requested amendment.

Each application proposing to amend the CDMP is evaluated for consistency with selected objectives and policies of the plan. As the potential effect of each application is fully discussed in the applicable reports and in the recommendations, only the most significant supporting or impeding CDMP objectives and policies related to each application are presented herein. The applicable objectives and policies are listed in abbreviated form following each application.

In reviewing the Plan amendment, staff noted whether adoption of the requested amendment would further, or would impede, the accomplishment of objectives, policies, land use plan concepts or other Plan provisions relating to the subject. In some cases, a requested amendment may be consistent with one part of a policy while being inconsistent with another part. For example in the case of the multifaceted Land Use Policy 8F, it is possible for a requested CDMP amendment to be consistent with the requirement for the provision of services at the adopted level-of-service (LOS) standards, but to be incompatible with surrounding land use.

CDMP Consistency Evaluation:

Special Application: The following subject groups used in the CDMP Policy Consistency Review were found to be applicable to the evaluation of this Application:

- Intergovernmental Coordination/Consistency
- Education/Public Schools
- Level of Service/Concurrency

Approval of the Special Application would further the implementation of the following CDMP Policies:

INTERGOVERNMENTAL COORDINATION OBJECTIVE ICE-2: Coordinate with local, regional, and State entities with responsibility in the establishment of Level of Service Standards.

EDUCATIONAL POLICY EDU-1D: Cooperate with Miami-Dade County Public School System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate on optimum capacity, in so far as funding available. Operational alternatives may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

EDUCATIONAL POLICY EDU-1E: Cooperate with the Miami-Dade County Public School System in their efforts to maintain and/or improve the established level of service (LOS), for Public Educational Facilities, as established for the purposes of collecting Impact Fees, in so far as funding available.

EDUCATIONAL POLICY EDU-6C: The Miami-Dade County Public School System should coordinate school capital improvements plans with the planned capital improvements projects of other County and municipal agencies.